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MEMO ENDORSED

September 9, 2021

Honorable Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

USDC SDNY
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Alexandra A.E. Shapiro
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Re: *United States v. Kaloyerros, et al.* S2 16 Cr. 776 (VEC)

Dear Judge Caproni:

I write on behalf of defendant Steven Aiello, who has been on bail pending the appeal in this matter. Yesterday the Second Circuit affirmed the convictions of all appellants. I write to respectfully request that Your Honor set the deadline by which Mr. Aiello must surrender as 60 days after the Court of Appeals issues its mandate, consistent with his co-defendants who have also remained on bail pending appeal, and that Your Honor recommend to the Bureau of Prisons that Mr. Aiello be designated to FCI Otisville. The government has no objection to either request.

As the Court knows, in December 2018, this Court sentenced Mr. Aiello to 36 months in prison. In March 2019 the Court of Appeals stayed Mr. Aiello's surrender date until "seven days after the merits panel advises counsel that the matter has been submitted for decision." (Case 18-2990, Doc. 86). The Court heard oral argument on March 12, 2020, and then issued an Order continuing Mr. Aiello's stay "pending a decision by the panel on the merits." (Doc. 219). That Order, however, does not specify precisely when Mr. Aiello is to report to prison.

We conferred with AUSA Matthew Podolsky, and the government does not object to Mr. Aiello's surrendering 60 days after the Court of Appeals' mandate. Mr. Aiello respectfully requests this additional time so he can put his family, personal, and business affairs in order, and so the BOP can designate him to a facility. We understand the BOP's prior designation of Canaan is likely no longer operative, and, in any event, Mr. Aiello seeks to petition the BOP to designate him to Otisville so that his children (who now reside in New York City) will better be able to visit him. We therefore also respectfully request that Your Honor recommend that Mr. Aiello be housed at Otisville. The government also has no objection to the latter request.

We thank the Court very much for its consideration.

Respectfully submitted,

/s/ Alexandra A.E. Shapiro

Alexandra A.E. Shapiro

cc: All counsel of record (via ECF)

Application GRANTED. Mr. Aiello must surrender 60 days after the Court of Appeals' mandate. The Court will request that Mr. Aiello be designated to FCI Otisville.

SO ORDERED.



9/9/2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE